

Springerville Town Council  
Minutes  
July 21, 2004

Present: Mayor Dyson, Mayor, Mary Nedrow Vice-Mayor, Mark Baca, Scott Cray and Pete Hunt

Staff: Scott Garms, Town Manager, Val Cordova Town Clerk, Sterling Solomon and  
Edwardo Coronado Town Legal Counsel, Steve West, Chief of Police,  
Sharon Pinckard, Human Services and Consuelo Johnson.

Public: Pat Patterson Legal Council, Ed Shields, Dave and Amy Pulsifer, Rick  
Pinckard, Jeff Barbe,  
Keli Sine, Sam and Muriel Gardom, Ed and Brenda Plumb, Lucy Carrillo,  
David and Geri Silva,  
Bill Willis, Wayne Kinman, Charles Hughes, Norma Gladden, Ron Carrillo,  
Linda Smith, Larry and Belinda Coffelt, Ernest Anaya, Jean and Mike Dew, Albert  
Conchos, Shannon Eagar, and Gary Kiehne.

1. Mayor Dyson called the meeting to order at 6:00 p.m. with a quorum present.
2. Public Participation: Comments were taken from Ernest Anaya regarding the new water rates and the closure of Tumbling T. Drive.

New Business:

3. Executive Session: Consider entering into executive session pursuant to A.R.S. §38-431.03(A) (3) for discussion or consultation for legal advice with Lewis & Roca, legal counsel, to obtain advice regarding the procedure of grievance hearings in general.

Motion by Scott Cray/Mark Baca to adjourn into executive session at 6:02pm

Vote:	Ayes:	Mayor Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

Motion by Mary Nedrow/Mark Baca to come out of executive session.

Vote:	Ayes:	Mayor Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

Mayor Dyson reported that executive session was with Lewis & Roca to receive instruction on how to run this hearing and received protocol to do this. She announced that the purpose tonight, is to hear an appeal from Ed Shields to the town council. She explained that Mr. Shields was terminated from town employment under section 16 and 25 of the employee manual.

She stated that Mr. Shields and his attorney Pat Patterson will present their case and call any witness they would like. Each witness will be sworn in prior to testifying. Witnesses can then be asked questions by the council and be cross examined by each of the attorney's. After Mr. Patterson is finished then the town will present its case.

Mayor Dyson stated that Sterling Solomon our legal counsel will represent the town. Mr. Hassler will be called as a witness by telephone to answer questions. Mr. Patterson will then be able to cross examine our witnesses. She advised the council that they can ask questions at any time. She announced that the public is not here to ask questions unless you are called as a witness in order to testify and explained that this is just like a court hearing. She welcomed the public and invited them listen. She advised them that they cannot participate in any way unless they are called as a witness.

After all the testimonies the council will have time to deliberate within the constraints of the employee manual. They have five days to make a decision. It is the protocol to do this. She announced that they would begin and asked Mr. Shields and Mr. Patterson to proceed.

Mr. Patterson called Ed Shields as a witness.

Mr. Shields was sworn in by Mayor Dyson.

Mr. Patterson asked him several questions pertaining to his employment with the town after which Mr. Solomon was allowed to cross examine him. The Council also asked questions of Mr. Shields during his testimony.

Mr. Solomon called as witnesses for the town, Val Cordova Town Clerk, Sharon Pinckard Human Services Director and conference call to Kurt Hassler former Town Manager by telephone. He too was sworn in prior to being asked questions.

All of the witnesses were allowed to be crossed examined by Mr. Patterson and asked questions by the council.

Mr. Patterson advised the Council that there were some petitions passed around town that he would like to present to them.

Mayor Dyson asked him to give them to the clerk and proceeded to explained that the job before them is to make a determination on whether to uphold the termination of Mr. Shields or to reverse it. They can make this decision now or can make it within the next five working days.

She suggested that a full council be present to make that decision. Several suggestions were made to find a day that everyone could be present within the five day time frame allowed. There was no consensus of a day that everyone could meet.

She asked if the Council had heard enough information to proceed tonight.

Motion by Scott Cray/Kay Dyson to uphold the termination of Mr. Shields.

Council member Hunt stated that he would like to understand the reasoning of why each council member would be in favor of, or opposed to the motion and said he would like to voice his concerns.

His concerns were with the job of a finance director who does not have any responsibility for the budget or for grants as was stated tonight. He felt that there was a serious communication problem but also felt that there are many avenues that could have been addressed outside of his singular supervisor. The council and mayor were available for Mr. Shields to voice his concerns about problems in city government. He fails to see that any of the concerns were addressed so that potential action could have taken place.

He felt that the information from the senior citizen director was very damaging and serious. But also felt that this was an ongoing problem before Mr. Hassler ever came to town. For him this alleviated the argument that this was a personality conflict but it didn't change the issue that existed prior to Mr. Hassler.

He felt that it was a lack of communication and effort on Mr. Shield's part to step forward and follow-up on things that needed to be. For this reason he said he would vote to terminate.

Councilman Cray also agreed with Council member Hunt on many different levels. He understands that in any organization you have to have a chain of command to be successful. He said he had sympathy for Ed having been in his shoes and on that side of the table. However, his job is to look out for what is best for the city. He did not see a team player or any attempts to make things better. He felt that Mr. Shields should have been parked at the manager's door if he did not understand what the expectations were. For this reason he is going to uphold Mr. Hassler's decision to let him go.

Councilman Baca briefly stated that before tonight he didn't know anything and feels that they need to base a decision on what was heard tonight. He said he's known Ed for a long time and has respect for him and had mixed feelings. It has been a difficult decision for him to make, but based on what he has heard tonight the work performance was not there. There is a chain of command issue that should have been brought forward long ago and not happening right now. He also felt that there was miscommunication or no communication between them and feels that he has to go with what he heard and to uphold the termination.

Vice-Mayor Nedrow stated that she manages employees and they have to take direction. If they don't follow direction she does discipline them. She felt that Mr. Shields had plenty of chances to come to them at any point in time. In all of the times she has talked with Ed, he has never discussed any of the problems. The only thing Ed did discuss with her was the fact that he would be quitting if Kay was elected. She was sorry that this has come to this but did feel that as an employee he did need to take direction and do things on time. She also did not feel that this happened just since Mr. Hassler was here. She too said she was sorry but had to go along with this.

Mayor Dyson addressed Mr. Shields and stated that this was difficult for her too. She doesn't like being a judge and judging other people or serving in a jury situation. She stated that this was regrettable because he is very talented and good with numbers. But looking at the evidence, the past the four areas discussed tonight do stand out. The opportunity was there for him to change and had he embraced it, he would not be here tonight and that is regrettable.

They as a council have to make decisions for all of the people in Springerville and do the best thing for the Town of Springerville. The only time that Ed talked with her was when he pulled her outside and said "either he goes or I go". They have to have people that are cooperative and proactive and are working hard for all the citizens. This is the reason they started merit and employee evaluations.

She called for a vote of the motion.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

Motion by Pete Hunt/Mary Nedrow to adjourn.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

The meeting adjourned at 9:28pm

---

Kay Dyson, Mayor

ATTEST:

---

Town Clerk

I hereby certify that the foregoing is a true and correct copy of the minutes of the Springerville Town Council in a special meeting to hear an appeal on Wednesday, July 21, 2004. I further certify that the meeting was duly called and a quorum was present.

Dated this 26<sup>th</sup> day of July 2004

---

Town Clerk